

**UTILITY
PATENT APPLICATION
TRANSMITTAL**

(Only for new nonprovisional applications under 37 CFR 1.53(b))

Attorney Docket No. 6570P012

First Inventor Frank Kilian

Title System and Method for Monitoring and Controlling Server Nodes
Contained within A Clustered Environment

Express Mail Label No. EV339919000US

31088 U.S. PTO
10/749543

123003

APPLICATION ELEMENTS

See MPEP chapter 600 concerning utility patent application contents

ADDRESS TO:
Mail Stop Patent Application
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

<p>1. <input checked="" type="checkbox"/> Fee Transmittal Form (e.g., PTO/SB/17) <i>(Submit an original and a duplicate for fee processing)</i></p> <p>2. <input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27.</p> <p>3. <input checked="" type="checkbox"/> Specification [Total Pages 15] <i>(preferred arrangement set forth below)</i> - Descriptive title of the Invention - Cross References to Related Applications - Statement Regarding Fed sponsored R & D - Reference to sequence listing, a table, or a computer program listing appendix - Background of the Invention - Brief Summary of the Invention - Brief Description of the Drawings (if filed) - Detailed Description - Claim(s) - Abstract of the Disclosure</p> <p>4. <input checked="" type="checkbox"/> Drawing(s) (35 U.S.C. 113) [Total Sheets 4]</p> <p>5. Oath or Declaration (signed) [Total Pages 4] a. <input checked="" type="checkbox"/> Newly executed (original or copy) b. <input type="checkbox"/> Copy from a prior application (37 C.F.R. § 1.63(d)) <i>(for continuation/divisional with Box 18 completed)</i> i. <input type="checkbox"/> DELETION OF INVENTOR(S) <i>Signed statement attached deleting inventor(s) named in the prior application, see 37 CFR 1.63(d)(2) and 1.33(b).</i></p> <p>6. <input type="checkbox"/> Application Data Sheet. See 37 CFR 1.76</p>	<p>7. <input type="checkbox"/> CD-ROM or CD-R in duplicate, large table or Computer Program (Appendix)</p> <p>8. Nucleotide and/or Amino Acid Sequence Submission <i>(if applicable, all necessary)</i></p> <p>a. <input type="checkbox"/> Computer Readable Form (CRF) b. Specification Sequence Listing on: i. <input type="checkbox"/> CD-ROM or CD-R (2 copies); or ii. <input type="checkbox"/> paper c. <input type="checkbox"/> Statements verifying identity of above copies</p> <p>9. <input checked="" type="checkbox"/> Assignment Papers (cover sheet & document(s))</p> <p>10. <input type="checkbox"/> 37 C.F.R. § 3.73(b) Statement <input type="checkbox"/> Power of Attorney <i>(when there is an assignee)</i></p> <p>11. <input type="checkbox"/> English Translation Document (if applicable)</p> <p>12. <input type="checkbox"/> Information Disclosure Statement (IDS)/PTO-1449</p> <p>13. <input type="checkbox"/> Preliminary Amendment</p> <p>14. <input checked="" type="checkbox"/> Return Receipt Postcard (MPEP 503) <i>(Should be specifically itemized)</i></p> <p>15. <input type="checkbox"/> Certified Copy of Priority Document(s) <i>(if foreign priority is claimed)</i></p> <p>16. <input type="checkbox"/> Nonpublication Request under 35 U.S.C. 122 (b)(2)(B)(i). Applicant must attach form PTO/SB/35 or its equivalent.</p> <p>17. <input type="checkbox"/> Other: _____</p>
--	---

18. If a CONTINUING APPLICATION, check appropriate box, and supply the requisite information below and in the first sentence of the specification following the title, or in an Application Data Sheet under 37 CFR 1.76:

Continuation Divisional Continuation-in-part (CIP)

of prior application No: _____

Prior application Information: Examiner _____

Group/Art Unit: _____

For CONTINUATION OR DIVISIONAL APPS only: The entire disclosure of the prior application, from which an oath or declaration is supplied under Box 5b, is considered a part of the disclosure of the accompanying continuation or divisional application and is hereby incorporated by reference. The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.

18. CORRESPONDENCE ADDRESS

CustomerNumber

08791

or Correspondence address below

Name					
	Blakely, Sokoloff, Taylor & Zafman LLP				
Address	12400 Wilshire Boulevard, 7th Floor				
City	Los Angeles	State	California	Zip Code	90025
Country		Telephone	(310) 207-3800	Fax	(310) 820-5988

Name (Print/Type)	Thomas M. Coester	Registration No. (Attorney/Agent)	39,637
-------------------	-------------------	-----------------------------------	--------

Signature	Thomas Coester	Date	12/30/03
-----------	----------------	------	----------

123003
04772

U.S. PTO <h1 style="margin: 0;">FEE TRANSMITTAL</h1> <h2 style="margin: 0;">for FY 2003</h2> <p style="margin: 0; font-size: small;">Effective 01/01/2003. Patent fees are subject to annual revision.</p>		<p style="text-align: center;"><i>C mplete if Known</i></p> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%;">Application Number</td> <td colspan="3"></td> </tr> <tr> <td>Filing Date</td> <td colspan="3"></td> </tr> <tr> <td>First Named Inventor</td> <td colspan="3">Frank Kilian</td> </tr> <tr> <td>Examiner Name</td> <td colspan="3"></td> </tr> <tr> <td>Group/Art Unit</td> <td colspan="3"></td> </tr> <tr> <td>Attorney Docket No.</td> <td colspan="3">6570P012</td> </tr> </table>				Application Number				Filing Date				First Named Inventor	Frank Kilian			Examiner Name				Group/Art Unit				Attorney Docket No.	6570P012																																																																																																																																																																																																	
Application Number																																																																																																																																																																																																																												
Filing Date																																																																																																																																																																																																																												
First Named Inventor	Frank Kilian																																																																																																																																																																																																																											
Examiner Name																																																																																																																																																																																																																												
Group/Art Unit																																																																																																																																																																																																																												
Attorney Docket No.	6570P012																																																																																																																																																																																																																											
<input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27.																																																																																																																																																																																																																												
TOTAL AMOUNT OF PAYMENT		(\$)	1,216.00																																																																																																																																																																																																																									
METHOD OF PAYMENT (check all that apply)			FEE CALCULATION (continued)																																																																																																																																																																																																																									
<input checked="" type="checkbox"/> Check <input type="checkbox"/> Credit card <input type="checkbox"/> Money Order <input type="checkbox"/> Other <input type="checkbox"/> None <input checked="" type="checkbox"/> Deposit Account			3. ADDITIONAL FEES <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th colspan="2" style="text-align: left;">Large Entity</th> <th colspan="2" style="text-align: left;">Small Entity</th> <th rowspan="2" style="vertical-align: middle; text-align: center;">Fee Description</th> <th rowspan="2" style="vertical-align: middle; text-align: center;">FeePaid</th> </tr> <tr> <th>Fee Code</th> <th>Fee (\$)</th> <th>Fee Code</th> <th>Fee (\$)</th> </tr> </thead> <tbody> <tr><td>1051</td><td>130</td><td>2051</td><td>65</td><td>Surcharge - late filing fee or oath</td><td></td></tr> <tr><td>1052</td><td>50</td><td>2052</td><td>25</td><td>Surcharge - late provisional filing fee or cover sheet.</td><td></td></tr> <tr><td>2053</td><td>130</td><td>2053</td><td>130</td><td>Non-English specification</td><td></td></tr> <tr><td>1812</td><td>2,520</td><td>1812</td><td>2,520</td><td>For filing a request for ex parte reexamination</td><td></td></tr> <tr><td>1804</td><td>920 *</td><td>1804</td><td>920 *</td><td>Requesting publication of SIR prior to Examiner action</td><td></td></tr> <tr><td>1805</td><td>1,840 *</td><td>1805</td><td>1,840 *</td><td>Requesting publication of SIR after Examiner action</td><td></td></tr> <tr><td>1251</td><td>110</td><td>2251</td><td>55</td><td>Extension for reply within first month</td><td></td></tr> <tr><td>1252</td><td>420</td><td>2252</td><td>210</td><td>Extension for reply within second month</td><td></td></tr> <tr><td>1253</td><td>950</td><td>2253</td><td>475</td><td>Extension for reply within third month</td><td></td></tr> <tr><td>1254</td><td>1,480</td><td>2254</td><td>740</td><td>Extension for reply within fourth month</td><td></td></tr> <tr><td>1255</td><td>1,210</td><td>2255</td><td>605</td><td>Extension for reply within fifth month</td><td></td></tr> <tr><td>1404</td><td>330</td><td>2401</td><td>165</td><td>Notice of Appeal</td><td></td></tr> <tr><td>1402</td><td>330</td><td>2402</td><td>165</td><td>Filing a brief in support of an appeal</td><td></td></tr> <tr><td>1403</td><td>290</td><td>2403</td><td>145</td><td>Request for oral hearing</td><td></td></tr> <tr><td>1451</td><td>1,510</td><td>2451</td><td>1,510</td><td>Petition to institute a public use proceeding</td><td></td></tr> <tr><td>1452</td><td>110</td><td>2452</td><td>55</td><td>Petition to revive - unavoidable</td><td></td></tr> <tr><td>1453</td><td>1,330</td><td>2453</td><td>665</td><td>Petition to revive - unintentional</td><td></td></tr> <tr><td>1501</td><td>1,330</td><td>2501</td><td>665</td><td>Utility issue fee (or reissue)</td><td></td></tr> <tr><td>1502</td><td>480</td><td>2502</td><td>240</td><td>Design issue fee</td><td></td></tr> <tr><td>1503</td><td>640</td><td>2503</td><td>320</td><td>Plant issue fee</td><td></td></tr> <tr><td>1460</td><td>130</td><td>2460</td><td>130</td><td>Petitions to the Commissioner</td><td></td></tr> <tr><td>1807</td><td>50</td><td>1807</td><td>50</td><td>Processing fee under 37 CFR 1.17(q)</td><td></td></tr> <tr><td>1806</td><td>180</td><td>1806</td><td>180</td><td>Submission of Information Disclosure Stmt</td><td></td></tr> <tr><td>8021</td><td>40</td><td>8021</td><td>40</td><td>Recording each patent assignment per property (times number of properties)</td><td style="text-align: right;">40.00</td></tr> <tr><td>1809</td><td>770</td><td>1809</td><td>385</td><td>Filing a submission after final rejection (37 CFR § 1.129(e))</td><td></td></tr> <tr><td>1810</td><td>770</td><td>2810</td><td>385</td><td>For each additional invention to be examined (37 CFR § 1.129(b))</td><td></td></tr> <tr><td>1801</td><td>770</td><td>2801</td><td>385</td><td>Request for Continued Examination (RCE)</td><td></td></tr> <tr><td>1802</td><td>900</td><td>1802</td><td>900</td><td>Request for expedited examination of a design application</td><td></td></tr> <tr> <td colspan="6" style="text-align: center; padding: 5px;">Other fee (specify) _____</td> </tr> <tr> <td colspan="4" style="text-align: center; padding: 5px;">* Reduced by Basic Filing Fee Paid</td> <td colspan="2" style="text-align: right; padding: 5px;">SUBTOTAL (3) (\$)</td> </tr> <tr> <td colspan="4" style="text-align: center; padding: 5px;">**or number previously paid, if greater, For Reissues, see below</td> <td colspan="2" style="text-align: right; padding: 5px;">40.00</td> </tr> <tr> <td colspan="6" style="text-align: center; padding: 5px;">SUBMITTED BY</td> </tr> <tr> <td colspan="2" style="padding: 5px;"> Name (Print/Type) Thomas M. Coester </td> <td colspan="2" style="padding: 5px;"> Registration No. 39,637 </td> <td colspan="2" style="padding: 5px;"> Complete (if applicable) Telephone (310) 207-3800 </td> </tr> <tr> <td colspan="2" style="padding: 5px;"> Signature </td> <td colspan="2"></td> <td colspan="2" style="padding: 5px;"> Date 12/30/03 </td> </tr> </tbody></table>				Large Entity		Small Entity		Fee Description	FeePaid	Fee Code	Fee (\$)	Fee Code	Fee (\$)	1051	130	2051	65	Surcharge - late filing fee or oath		1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet.		2053	130	2053	130	Non-English specification		1812	2,520	1812	2,520	For filing a request for ex parte reexamination		1804	920 *	1804	920 *	Requesting publication of SIR prior to Examiner action		1805	1,840 *	1805	1,840 *	Requesting publication of SIR after Examiner action		1251	110	2251	55	Extension for reply within first month		1252	420	2252	210	Extension for reply within second month		1253	950	2253	475	Extension for reply within third month		1254	1,480	2254	740	Extension for reply within fourth month		1255	1,210	2255	605	Extension for reply within fifth month		1404	330	2401	165	Notice of Appeal		1402	330	2402	165	Filing a brief in support of an appeal		1403	290	2403	145	Request for oral hearing		1451	1,510	2451	1,510	Petition to institute a public use proceeding		1452	110	2452	55	Petition to revive - unavoidable		1453	1,330	2453	665	Petition to revive - unintentional		1501	1,330	2501	665	Utility issue fee (or reissue)		1502	480	2502	240	Design issue fee		1503	640	2503	320	Plant issue fee		1460	130	2460	130	Petitions to the Commissioner		1807	50	1807	50	Processing fee under 37 CFR 1.17(q)		1806	180	1806	180	Submission of Information Disclosure Stmt		8021	40	8021	40	Recording each patent assignment per property (times number of properties)	40.00	1809	770	1809	385	Filing a submission after final rejection (37 CFR § 1.129(e))		1810	770	2810	385	For each additional invention to be examined (37 CFR § 1.129(b))		1801	770	2801	385	Request for Continued Examination (RCE)		1802	900	1802	900	Request for expedited examination of a design application		Other fee (specify) _____						* Reduced by Basic Filing Fee Paid				SUBTOTAL (3) (\$)		**or number previously paid, if greater, For Reissues, see below				40.00		SUBMITTED BY						Name (Print/Type) Thomas M. Coester		Registration No. 39,637		Complete (if applicable) Telephone (310) 207-3800		Signature 				Date 12/30/03	
Large Entity		Small Entity		Fee Description	FeePaid																																																																																																																																																																																																																							
Fee Code	Fee (\$)	Fee Code	Fee (\$)																																																																																																																																																																																																																									
1051	130	2051	65	Surcharge - late filing fee or oath																																																																																																																																																																																																																								
1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet.																																																																																																																																																																																																																								
2053	130	2053	130	Non-English specification																																																																																																																																																																																																																								
1812	2,520	1812	2,520	For filing a request for ex parte reexamination																																																																																																																																																																																																																								
1804	920 *	1804	920 *	Requesting publication of SIR prior to Examiner action																																																																																																																																																																																																																								
1805	1,840 *	1805	1,840 *	Requesting publication of SIR after Examiner action																																																																																																																																																																																																																								
1251	110	2251	55	Extension for reply within first month																																																																																																																																																																																																																								
1252	420	2252	210	Extension for reply within second month																																																																																																																																																																																																																								
1253	950	2253	475	Extension for reply within third month																																																																																																																																																																																																																								
1254	1,480	2254	740	Extension for reply within fourth month																																																																																																																																																																																																																								
1255	1,210	2255	605	Extension for reply within fifth month																																																																																																																																																																																																																								
1404	330	2401	165	Notice of Appeal																																																																																																																																																																																																																								
1402	330	2402	165	Filing a brief in support of an appeal																																																																																																																																																																																																																								
1403	290	2403	145	Request for oral hearing																																																																																																																																																																																																																								
1451	1,510	2451	1,510	Petition to institute a public use proceeding																																																																																																																																																																																																																								
1452	110	2452	55	Petition to revive - unavoidable																																																																																																																																																																																																																								
1453	1,330	2453	665	Petition to revive - unintentional																																																																																																																																																																																																																								
1501	1,330	2501	665	Utility issue fee (or reissue)																																																																																																																																																																																																																								
1502	480	2502	240	Design issue fee																																																																																																																																																																																																																								
1503	640	2503	320	Plant issue fee																																																																																																																																																																																																																								
1460	130	2460	130	Petitions to the Commissioner																																																																																																																																																																																																																								
1807	50	1807	50	Processing fee under 37 CFR 1.17(q)																																																																																																																																																																																																																								
1806	180	1806	180	Submission of Information Disclosure Stmt																																																																																																																																																																																																																								
8021	40	8021	40	Recording each patent assignment per property (times number of properties)	40.00																																																																																																																																																																																																																							
1809	770	1809	385	Filing a submission after final rejection (37 CFR § 1.129(e))																																																																																																																																																																																																																								
1810	770	2810	385	For each additional invention to be examined (37 CFR § 1.129(b))																																																																																																																																																																																																																								
1801	770	2801	385	Request for Continued Examination (RCE)																																																																																																																																																																																																																								
1802	900	1802	900	Request for expedited examination of a design application																																																																																																																																																																																																																								
Other fee (specify) _____																																																																																																																																																																																																																												
* Reduced by Basic Filing Fee Paid				SUBTOTAL (3) (\$)																																																																																																																																																																																																																								
**or number previously paid, if greater, For Reissues, see below				40.00																																																																																																																																																																																																																								
SUBMITTED BY																																																																																																																																																																																																																												
Name (Print/Type) Thomas M. Coester		Registration No. 39,637		Complete (if applicable) Telephone (310) 207-3800																																																																																																																																																																																																																								
Signature 				Date 12/30/03																																																																																																																																																																																																																								

Based on PTO/SB/17 (08-03) as modified by Blakely, Sokoloff, Taylor & Zafman (wlr) 08/11/2003.
 SEND TO: Mail Stop Patent Application, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450